



## MONTAGUE CONSERVATION COMMISSION

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### Meeting Minutes

Thursday September 8, 2011

6:30 PM

Town Hall Upstairs Conference Room

**Commissioners Present:** Mark Fairbrother—Chair, Deb Picking, Addie Holland, Sean Werle and Justin Fermann

**Commissioners Absent:** Donna Francis

**Staff Present:** Walter Ramsey and Anne Stuart

Meeting called to order by Mark Fairbrother at 6:30 PM

***Motion** made by Deb Picking to accept the August 11, 2011 Conservation Commission minutes as presented. Seconded by, Justin Fermann. Motion passes. Sean Werle abstaining.*

The Commission recognized Sean Werle's request to recuse himself from the upcoming discussion of NOI #2011-02 because of his employment interest with the applicant's consultant.

### **6:30 PM Continuance of Public Hearing opened 8/11/11 for Notice of Intent #2011 – 02 First Light Power/GDF Suez John Howard (Map 17 Lot 12, 17 and 34) (Map 18 Lots 01 and O3)**

**Guests:** Mickey Marcus - New England Environmental

Beth Bazler - Northfield Mountain

Meredith Borenstien – PWS New England Environmental

In compliance with the Federal Energy Regulatory Commission (FERC) Erosion Control Plan, 320 Linear feet of eroded bank at 4 camps along the Connecticut River, will be stabilized using bioengineering techniques slope stabilization in the river front area will also be conducted at three of the camps (approx. 2190 square feet).

Since the last meeting New England Environmental has:

- 1) Filed with Army Core of Engineers and was issued a category 1 permit
- 2) Filed with Natural Heritage and Endangered Species and received a determination of no adverse impact
- 3) Filed with DEP Chapter 91 Waterway and received a determination that the work is an area of their jurisdiction but does not need a water ways license to do the work.

Walter Ramsey research and confirmed that the camp owners are not required to sign the NOI. He indicated that the applicant would have burden of proof that the camp owners are not 'parties of interest'

Access to site to do work on the bank restoration will be by:

- 1) 4WD Pick-up truck only when necessary
- 2) Barge (lowest impact)
- 3) ATVs with trailers

Mickey Marcus noted that there will be no large equipment involved.

The applicant clarified the division of labor:

- FirstLight hired Renaissance Builders to do the demolition of Camp 13E. Site will be reseeded and revegetated.
- First Light has hired New England Environmental to take care of doing the bank restoration work.
- Camp Owners will be required to perform work and repairs the camp sites.

Beth Bazler will hold trainings with the camp owners closer to the installation on how to use the materials and best do the repairs. The two camp owners in Gill had some issues and Beth spoke to them so that they will be able to keep the trail and structures they wanted. Another issue was the removal of concrete pads – which will not be required by the Commission or Firstlight.

The Commission discussed the following two camps:

Camp 8E – New England Environmental will work with Walter Patenaude to provide adequate access to docks while being able to naturalize the bank.

Camp 3E –Camp owner will be allowed to install a retaining wall to stabilize bank as requested.

New England Environmental feels there needs to be some type of maintenance clause to keep the restorative issues happening along with the annual monitoring. New England Environmental is confident in the techniques but will need maintenance to get the bio logs and vegetation established; the time line for this is 3-5 years. Discussion involved leaving the order open for 5 years to be able to give time and allow for the process. The Commission sought to make sure the maintenance is ongoing and not done at the end – 5 years. Beth Bazler or her designee will be responsible for the monitoring and follow up and site visits once a year The site visits will be supplement by photos and end of year reports in 2011, 2012, 2013, and 2015.

The Commission requested that the applicant will be responsible for 5 year maintenance agreement with modifications set forth by the New England Environmental Letter. The Order of Conditions will remain open so another filing will not be needed. Order of Compliance will then be issued 5 years from now. In addition, The Commission would like a copy of the OOC on site and accessible AND one copy of the OOC to be provided to all camp owners listed in the NOI.

**Motion** made by Justin Fermann for the Commission to issue a standard order of conditions for NOI 2011-02 with modifications as discussed which includes a requirement for the applicant to monitor the erosion control maintenance for 5 years and to include the plan revisions set forth by New England Environmental. Seconded by, Addie Holland. Motion passes 4-0. Sean Werle abstaining.

**Motion** made Mark Fairbrother to closed the public hearing 7:26PM. Moved by Addie Holland. Seconded by Deb Picking. All approved.

### **Request for Determination of Applicability #2011-11**

#### **James Smith of 420 Turners Falls Rd, Montague MA (Map 39, Lot 109)**

To determine whether the following work is subject to the Wetlands Protection Act: Applicant proposes to construct a 12' X 16' rear deck and a 12' X 4' side deck with a connecting walkway at his home at 420 Turners Falls Road. The proposed work will occur within 100 feet of a bordering vegetated wetland in the Town of Montague.

**Guests:** none

After reviewing the diagram that James Smith drew and looking at the pictures of how the house is situated and the type of work that is asking to be done, the Conservation Commission felt they need more information from the applicant. There was not representation by the applicant to answer the following questions:

- 1) The type and quantity of footings for the deck
- 2) What type of equipment will be used (i.e. will and vehicles or machines be necessary?)
- 3) What will be done with the earth removed for the footings?
- 4) How will erosion control be managed during construction activity?

Without the preceding information available, the commission voted to issue a positive determination, but recommended Mr. Smith re-file with more information.

**Motion** made by Sean Werle for a positive determination for RDA 2011-11. Seconded by Deb Picking. Motion passes 5-0.

### **Request for Certificate of Compliance for NOI 2009-02 (DEP File #229-222) by Glenn Hinson**

**Guest:** none

Walter Ramsey visited the site last week and shared photos property. A letter was provided by the ECS, the environmental consultant and Mr. Hinson provided the required turbidity log. The applicant exceeded the commissions requirements while dredging the pond and restoring the natural habitat.

**Motion** made by Addie Holland to issue a certificate of compliance for NOI #2009-02. Seconded by Deb Picking. Motion passes 5-0.

**Discussion:** Application by Emily and Scott Ewell for an Agriculture Preservation Restriction for property on South Street in Montague Center (Map 48 Lots 140,144)

The Conservation Commission will be willing to write a letter of support for the Agriculture Preservation Restriction for the property on South Street. The land is appraised at \$64,000 for the APR. This is prime agricultural land, but is protect by other land use regulations (flood plain, priority habitat, aquifer protection). The Conservation Fund has dwindled to the \$19,000 range and the Commission does not wish to use those funds on this project. The Commission however supports keeping this land in agricultural use.

**Annual Board Reorganization-** Appoint Chair and Vice Chair through July 2012.

**Motion** made by Deb Picking to appoint Mark Fairbrother as Chair of the Conservation Commission through July 2012. Seconded by, Addie Holland. Motion passes 4-0.

**Motion** made by Addie Holland to appoint Deb Picking as Vice Chair of the Conservation Commission through July 2012 Motion passes 4-0.

**Motion** by Justin Fermann to adjourn at 7:55PM. Seconded by Sean Werle. Motion passes 5-0.

Next scheduled meeting: October 13, 2011 at 6:30 PM

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_